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Joelle J Phillips  
Attorney

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T.R.A. DOCKET ROOM

January 5, 2005

**VIA HAND DELIVERY**

Hon. Pat Miller, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

RE: *Petition for Expedited Review of Growth Code Denial by the Number  
Pooling Administrator Relating to Regions Financial Corp.*  
Docket No 05-00002

Dear Chairman Miller

Enclosed are the original and fourteen copies of BellSouth's *Petition for Expedited Review of Central Office Code Denial*. Copies of the enclosed are being provided to counsel for the Number Pooling Administrator.

Cordially,

Joelle Phillips

by ch  
w/permission

JJP ch

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee**

In Re:        *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to Regions Financial Corp.*

Docket No. \_\_\_\_\_

**PETITION FOR EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to rules adopted by the FCC for challenging determinations of the Number Pooling Administrator ("NeuStar"), petitions the Tennessee Regulatory Authority (the "Authority") for an expedited review of NeuStar's denial of BellSouth's application for use of central office code numbering resources in the 901 area code.

BellSouth respectfully shows the Authority as follows:

1.        BellSouth is a telecommunications public utility regulated by the Authority providing intraLATA, local exchange telecommunications services in the Memphis Rate Center.
2.        NeuStar is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan ("NANP"). See C.F.R. § 52.13(a), (b).
3.        On March 31, 2000, the Federal Communications Commission issued a Report and Order and Further Notice of Proposed Rule Making relating to numbering resource optimization ("FCC 00-104" or the "March Order"). On December 29, 2000, the FCC issued its Second Report and Order, Order on Reconsideration in CC Docket

No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 ("FCC 00-429" or the "December Order"). These FCC orders addressed issues and strategies relating to the efficient use of numbering resources.

4. In FCC 00-104 and FCC 00-429, the FCC announced rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of existing numbers under the NANP

5 Among other things, FCC 00-104 adopted a revised standard for assessing a carrier's need for numbering resources by requiring carriers to report rate center based utilization data to NeuStar. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant's rate center will be exhausted within six months of the application. Prior to this ruling, the Central Office Code Assignment Guidelines, used by the industry and NeuStar to make code assignments, required the applicant's existing number inventory within the applicant's serving switch to exhaust within six months of the code application in order for a code to be assigned.

6 This shift to a "rate center" basis for determining the need for new numbering resources was intended to "more accurately reflect how numbering resources are assigned" and to allow "carriers to obtain numbering resources in response to specific customer demands." FCC Order ¶105. BellSouth has sought reconsideration of the above-described MTE rule before the FCC on two separate occasions. On December 28, 2001, the FCC entered an order retaining the rules requiring carriers to calculate MTE on a rate center basis rather than on a per-switch

basis. *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*, CC Docket Nos. 99-200, 96-98 and 95-116, *Third Report and Order* and *Second Order on Reconsideration* in CC Docket No. 99-200, FCC 01-362, Paragraph 48 (rel. Dec. 28, 2001).

7. On or about December 21, 2004, BellSouth submitted a Central Office Code (NXX) Assignment Request - Part 1, and the CO Code Assignment - Months to Exhaust Certification Worksheet, to NeuStar to be assigned an NXX code necessary to meet the demands of its customer, Regions Financial Corp.. The request and worksheet are attached hereto as Exhibits "A" and "B" respectively.

8. The code assignment request was for a growth code in the 901 NPA area code, in response to Regions Financial Corp. request for 2,000 numbers. Regions Financial Corp. cited the opening of a new call center in Memphis as its basis for this request. However, BellSouth did not have sufficient number resources available within its inventory in the Memphis Rate Center, and, accordingly, BellSouth was unable to provide Regions Financial Corp. with sufficient numbers to meet its needs. For this reason, BellSouth sought the numbering resources as noted above.

9. BellSouth completed the applications in accordance with NeuStar's Central Office Code (NXX) Assignment Guidelines and completed the necessary Months to Exhaust Certification Worksheet required by NeuStar.

10 At the time of the code request, the Memphis rate center had an MTE of approximately 87.42 months.

11. Despite the fact that BellSouth's Memphis rate center may not exhaust for 87 months, BellSouth is unable to provide the requested service through its switch that

serves Regions Financial Corp. within the Memphis rate center. This is because the individual switch that serves this customer within the Memphis rate center does not have sufficient number resources to meet the customer's request.

12. On or about December 21, 2004, NeuStar's Central Office Code Administration denied the code assignment request on the grounds that BellSouth had not met the rate center based months-to-exhaust criteria now set forth in the Central Office Code (NXX) Guidelines, notwithstanding the fact that BellSouth does not have the numbering resources needed to satisfy its customers' demands in the switch at issue. That decision is attached hereto as Exhibit "C."

13. BellSouth's inability to provide this large business customer with the requested numbers within the same NXX prevents BellSouth from providing the quality of service this customer desires and expects. (Correspondence from Regions Financial Corp. is attached as Exhibit "D").

14. Relief for the NPA was implemented with the start of mandatory dialing for the 901 NPA on September 17, 2001. The Authority also ordered thousands-block pooling for the 901 NPA with a Pool Start Date of June 10, 2002. According to NeuStar, based on the 2004 NRUF and NPA Exhaust Analysis – April 30, 2004, the projected exhaust date of the 901 NPA is the Second Quarter of 2015. Therefore, granting BellSouth's request for numbering resources would not materially impact exhaustion of available numbers in the 901 NPA.

15. Both FCC 00-104 and NeuStar's Central Office Code (NXX) Guidelines provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources. See FCC 00-104, Appendix A, Final Rules, § 52.15(g) (3) (iv) ("The carrier may challenge the NeuStar's

decision to the appropriate state regulatory commission"); NeuStar Central Office Code (NXX) Guidelines § 13.0 ("Appeals may include but are not limited to one or more of the following options: . . . C. The CO Code Administrator(s) and code holders/applicants may pursue the disagreement with the appropriate governmental/regulatory body").

16. The TRA has recognized its jurisdiction and authority to review NeuStar denials and to order the release of numbering resources to meet specific customer needs. The TRA has, for example, ordered NeuStar to provide BellSouth with numbering resources to meet the service requirements of the University of Tennessee, even though BellSouth had been unable to satisfy the required months-to-exhaust criteria. *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to University of Tennessee - Chattanooga* (approved by the Directors on November 20, 2001 by a vote of 3-0) (see correspondence from TRA Executive Secretary, dated November 29, 2001, attached as Exhibit "E").

17. Similarly, state regulatory agencies in both North Carolina and Florida also have recognized their jurisdiction and authority to review NeuStar denials and to order the release of numbering resources to meet specific customer needs. The North Carolina Utilities Commission has ordered NeuStar to provide BellSouth numbering resources needed to meet the service requirements of Guilford County Government and Corning, Inc., even though BellSouth had been unable to satisfy the required months-to-exhaust criteria. See *In the Matter of Petition of BellSouth Telecommunications, Inc. for Review of NeuStar Denial of Application for Numbering Resources*, Docket No. P-55, Sub 1268, Order Ruling on the BellSouth Petition (attached as Exhibit "F"). Similarly, on May 1, 2001, the Florida Public Service Commission voted to accept the recommendation of its staff that NeuStar should be ordered to release numbering

resources to BellSouth in order to enable BellSouth to meet the needs of a customer requesting 2500 numbers, even though BellSouth could not satisfy the months-to-exhaust criteria. See Staff Recommendation Re: Docket No. 010309-TL – *Petition by BellSouth Telecommunications, Inc. for an Expedited Review of the NeuStar Denial of a Central Office Code for the Orlando Magnolia Switch* (attached as Exhibit "G").

18. In reviewing previous petitions of this type, the TRA Staff has requested that BellSouth provide additional information concerning number utilization for the specific central office involved in the request. This information for the Memphis Bartlett Central Office is attached hereto as Exhibit "H."

19. The Authority, and not the FCC, is the most appropriate body to address this appeal. As noted above, the Authority has been granted jurisdiction to hear appeals from NeuStar's decisions regarding numbering resources. Any jurisdiction of the FCC to do the same is merely concurrent with the jurisdiction of the Authority. BellSouth believes that the Authority can more quickly address the numbering problem facing Regions Financial Corp. and BellSouth, and, because time is of the essence to the customer, BellSouth believes it is appropriate to pursue this matter in the forum that can most quickly address the issue.

20. Under earlier months-to-exhaust procedures used by NeuStar, waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under existing procedures, NeuStar looks at the number of months-to-exhaust for the entire rate center without any exceptions. The current process for review is arbitrary and results in decisions contrary to the public interest and decisions that do not necessarily preserve the efficient use of

telephone numbers or postpone dates of exhaust. Moreover, the denial of sufficient numbering resources to BellSouth to meet Regions Financial Corp.'s request is inconsistent with the FCC's position that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at ¶ 61. By refusing to grant numbering resources sufficient to meet Regions Financial Corp. needs, the NeuStar is preventing Regions Financial Corp. from obtaining the service of its choice from its carrier of choice, BellSouth.

21. Notwithstanding customer need for a specific numbering arrangement, BellSouth's analysis indicates that BellSouth will be unable to meet the six-months-to-exhaust threshold at the rate center level in time to obtain adequate numbering resources to serve this customer absent relief from the Authority. This situation will result in BellSouth's inability to respond to its customer's needs for specific numbering resources.

### **CONCLUSION**

For the reasons articulated above, BellSouth respectfully urges the Authority to direct the NeuStar to provide the requested numbers to BellSouth to enable BellSouth to meet the specific requirements of Regions Financial Corp. in order that Regions Financial Corp. may receive the service of its choice from the provider of its choice to meet its telecommunications needs.

WHEREFORE, BellSouth requests:

1. The Authority review the decision of the NeuStar to deny BellSouth's request for additional numbering resources; and



2. The Authority direct the NeuStar to provide numbers to BellSouth to meet the specific requirements of Regions Financial Corp. in the Memphis rate center within the 901 NPA.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.


  
Guy M. Hicks  
Joelle Phillips  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6311  
*w/permission*

Exhibit A

**Form 1A**  
**(one form per CLLI)****THOUSAND BLOCK APPLICATION PRE-ENTRY FORM****1.1****Contact Information**

Company Name	BellSouth Telecommunications Inc		
Headquarters Address	675 West Peachtree St. NE		
City, State, Zip	Atlanta	GA	30375
Contact Name			
Contact Address	3535 Colonnade Parkway, Rm W2B1		
City, State, Zip	Birmingham	AL	35243
Phone	(205)977-		
E-mail Address			

**1.2A****Required when K-Block is needed for an LRN**

NPA	
LATA	
OCN	
AOCN	
Parent Co. OCN	

**Normally only use  
part 1.2B**

# of Blocks Req'd	
# of Full NXX Req'd	
Switch ID	
Wire Center Name	
Rate Center	
Rate Center Sub Zone	
Homing Tandem OC	
Tandem Homing CLLI	

**1.2B****Required when no LRN is needed**

NPA	901	
LATA	468	
OCN	9419	(9417 or 9419)
AOCN	9400	
Parent Co. OCN	9419	(9417 or 9419)

# of Blocks Req'd	2
# of Full NXX Req'd	
Rate Center	MEMPHIS
Switch ID (CLLI)	MMPHTNBADS0

**1.3****Dates**

Date of Appl.	12/21/2004
Requested Block Eff Date	2/21/2005

Request for Expedite	X	YES		NO	(usually no - update as needed per request)
----------------------	---	-----	--	----	---

**Form 1A**  
**(one form per CLLI)****THOUSAND BLOCK APPLICATION PRE-ENTRY FORM****1.4** **Type of Service Provider Requesting the Thousand Block**

- a)   X   ILEC            IXC            CMRS            Other
- b) Primary type of svc blk to be used for: Wireline
- c) K-Block NXX-X assign preference
- d) K-Block NXX-X undesirable NXX-0 - NXX-9

**1.5** **Type of Request**

- Initial code for rate center?            If yes, attached evidence of auth. & proof of capability to provide svc w/in 60
- Growth code for rate Center?   Yes   If yes, attach months to exhaust worksheet
- Update Information?            YES            NO

**1.7**  
If K-block request for new application for existing switch, please explain**1.8**  
Do NPA jeopardy criteria apply?            YES   X   NO

Signature  
Title  
Date

## Form 1B

## THOUSAND BLOCK APPLICATION PRE-ENTRY FORM

(one form for each block requested)

**Section A****Contact Information**

Co Name BellSouth Telecommunications Inc  
 Contact Name Chris Nelson  
 Address 3535 Colonnade Parkway, Rm. W2B1  
 City, State, Zip Birmingham AL 35243  
 Phone (205) 977-1696  
 Fax (205) 977-3013  
 Email sharon.poer@bellsouth.com  
 Svc Provider NPAC SOA SPID 9417 (always 9417 even if OCN is 9419)  
 Rate Center memphis  
 LRN 9013720000

**NPAC Activate Block Range**☒ **YES** ☐ **NO****Section B****Block Applicant to provide only if NPAC Activate Block Range is marked "YES"**

Class DPC 252122150  
 Class SSN 000  
 LIDB DPC 252202253  
 LIDB SSN 000  
 CNAM DPC 252202232  
 CNAM SSN 000  
 ISVM DPC 252122150  
 ISVM SSN 000  
 WSMSC DPC N/A When entering data into PAS, leave these spaces blank  
 WSMSC SSN N/A When entering data into PAS, leave these spaces blank  
 SOA Origination N/A When entering data into PAS, leave these spaces blank

Remarks

Exhibit B

## Appendix 3

## MTE CERTIFICATION PRE-ENTRY WORKSHEET

(one form for each block requested)

## Contact Information

Date 12/21/2004  
 OCN 9419  
 Co. Name BellSouth Telecommunications  
 Rate Center MEMPHIS

List Full NPA(s) - NXX(s) and Block NPA(s) - NXX-X(s)  
 included in growth calculation

List all @  
 RC level

Title Network Manager  
 Phone (205) 977-1696  
 Fax (205) 977-3013

## A.

Available Numbers 247,330  
 Assigned Numbers 998,861  
 Total Numbering Resources ~~70,887~~ 1300 (\* = Total Installed - Intermediate)  
 Qty of numbers activated in past 90 days 0

## B.

## Previous 6-month growth history

Month 1	<u>3911</u>
Month 2	<u>10775</u>
Month 3	<u>-11587</u>
Month 4	<u>238</u>
Month 5	<u>10723</u>
Month 6	<u>914</u>

## C.

## Forecast - Next months 1-12

Month 1	<u>2496</u> (Current)
Month 2	<u>6496</u>
Month 3	<u>2496</u>
Month 4	<u>2496</u>
Month 5	<u>2496</u>
Month 6	<u>2496</u> (Future)
Month 7	<u>2496</u>
Month 8	<u>2496</u>
Month 9	<u>2496</u>
Month 10	<u>2496</u>
Month 11	<u>2496</u>
Month 12	<u>2496</u>

Add quantity to be used by  
 customer in appropriate forecast  
 month if we're making request.  
 specific cust request we cannot  
 fill from current inventory.

## Appendix 3

## MTE CERTIFICATION PRE-ENTRY WORKSHEET

(one form for each block requested)

**D.** Avg Mo Forecast  
(From part C above divided by 6)

2829

**E.** MTE = TN's available for Assgn / Avg Mo Forecast

87.42

Utilization Percentage = Assigned / Total Resources

1275.08%

Explanation

Newly acquired numbers may be excluded from the utilization calculation. Please refer to the FCC 00-104 for reporting requirements.

## Part 4

## THOUSAND BLOCK APPLICATION FORM

## Confirmation of NXX-X Block Activation

Name of Auth. Rep Signature of  
Co/Entity  
Title  
E-mail  
Date

Sharon Poer

Network Manager

sharon.poer@bellsouth.com

1. NPA-NXX-X block(s)
2. Switch ID (Switching Entity/POI)
3. Date block(s) put in svc

**NOTE: State commissions may request proof from all block holders that NXX-X block(s) have been activated and assignment of the numbers has commenced.**

Date of Block Allocation:

Exhibit C


Pooling Administration System - Microsoft Internet Explorer provided by telSouth

File Edit View Favorites Tools Help

Back Forward Stop Search Favorites

Address <https://www.nationalpooling.com/pas/frames-index.jsp> Go

---

  
[Request For Resources](#)  
[Modify](#)  
[Disconnect](#)  
[Block Transfers](#)  
[Confirm Block\(s\) in Service \(Part 4\)](#)  
[Search Forms](#)  
[Submit Forecast](#)  
[Create/Modify Forecast](#)  
[User Profile](#)  
[Generate Blobs](#)  
[Reports](#)

## Pooling Administration System

[peggylwilson@bridge.bellsouth.com \(SP\)](#) [Sign Out](#)

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Months to Exhaust and Utilization Certification Worksheet IN Level (Continued)

Your utilization calculates to 72.984 percent, while your State requires a utilization of 75.000 percent

Select One Option and Submit

☐ Return to the Months To Exhaust Form

☐ Discard all the information provided for the request and start with a fresh Part 1A

☐ State Waiver Option

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Internet



Jan 03 05 03:01p BAC  
12/17/2004 10:25

2059773013

Exhibit D

P. 3  
NO. 762 0003  
0001

12/16/04 THU 17:56 FAX 3348328148

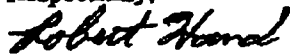
Regions Telcom

## **Regions Financial Corp.**

Danny,

Per our conversation, please procure a block of 2000 consecutive numbers or two blocks of 1000 consecutive numbers to be used at the new Memphis Call Center. The last four digits cannot begin with 0 or 9.

Respectfully,



Robert Hand  
Regions Telecommunications

334-832-8676

## TENNESSEE REGULATORY AUTHORITY



Sara Kyle, Chairman  
Lynn Greer, Director  
Malvin Malone, Director

460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

November 29, 2001

Ms. Cheryl Dixon  
Senior Code Administrator  
1800 Sutter Street  
Suite: 570  
Concord, CA 94520

RE: Denial of BellSouth's Central Office Code ("NXX") Assignment Request.

Dear Ms. Dixon:

On November 1, 2001, BellSouth Petitioned the Tennessee Regulatory Authority ("TRA") for Expedited Review of Growth Code Denial by the North American Numbering Plan Administration ("NANPA"), Docket No. 01-00957. BellSouth specifically requested the overturn of NANPA's denial, and order the issue of one growth code ("NXX") for the Chattanooga rate center in the 423 NPA.

BellSouth stated they requested a growth code in the 423 NPA in response to a request received from a customer, the University of Tennessee, Chattanooga ("UTC"), as they did not have sufficient numbering resources available to meet the customer's needs. BellSouth's also stated that the Chattanooga Rate Center's Months to Exhaust ("MTE") calculation was 31.88 months.

The TRA Staff ("Staff") verified that the MTE requirement six months cannot be met. Staff also verified that the Chattanooga rate center is a multiple switch rate center, and that the MTE has to be calculated on a rate center level rather than at switch level. Staff is also satisfied with the validity of UTC's request. In that the 423 NPA has a projected exhaust date for the 4<sup>th</sup> Quarter of 2004, and the current demands in the 423 NPA is 2.5 NXXs per month, it is unlikely that the assignment of one (1) NXX will have a material effect on the projected exhaust of the 423 NPA.

On November 20, 2001, the Directors of the Tennessee Regulatory Authority approved BellSouth's petition, and ordered the NANPA to issue BellSouth one growth code in the 423 NPA. The TRA Order will be provided once it is administratively processed.

Sincerely,

K. David Waddell  
Executive Secretary

CC: Brent Struthers, NeuStar

Telephone (615) 741-2904, Toll-Free 1-800-342-8359, Facsimile (615) 741-8953  
[www.state.tn.us/tra](http://www.state.tn.us/tra)

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

**DOCKET NO. P-55, SUB 1268**

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION**

**In the Matter of  
Petition of BellSouth Telecommunications, Inc.,  
for Review of NANPA Denial of Application  
for Numbering Resources**

**ORDER RULING ON THE  
BELLSOUTH PETITION**

**BY THE COMMISSION:** On March 6, 2001, BellSouth Telecommunication, Inc. (BellSouth) requested that the Commission review the North American Numbering Plan Administrator's (NANPA) decision denying the reservation of two central office codes (NXXs) in the 910 and 836 Numbering Plan Areas (NPAs). Reservation of one NXX was requested for Guilford County Government and one NXX was requested for Corning, Inc., from NANPA.

NANPA, in reaching its decision to deny the numbering resources, stated that BellSouth's Month-to-Exhaust worksheet shows that BellSouth has more than a six month supply of numbering resources in the two central offices which would be providing services to these customers, respectively. However, BellSouth stated that it does not have in its inventory 10,000 sequential numbers (i.e., one NXX) in each NPA available to meet the service requirement for these two customers.

There were no comments filed on this matter before the Commission.

WHEREUPON, the Commission now reaches the following

**CONCLUSIONS**

After careful consideration, the Commission concludes that NeuStar, Inc., as NANPA, should provide BellSouth the numbering resources needed to meet the needs of Guilford County Government and Corning, Inc. The Commission notes that BellSouth, as a telecommunications service provider, should be allowed to meet its specific customer requirements. Furthermore, the reservations of numbering resources in this instance represent identifiable and known market requirements. The Commission also recognizes that NANPA in reaching its decision must recognize and use industry guidelines to ensure consistent decision-making among all industry participants.

**IT IS, THEREFORE, ORDERED as follows:**

1. That NANPA shall provide BellSouth the numbering resources it needs to meet the service requirements for Guilford County Government and Corning, Inc.

2. That the numbering resources assigned by BellSouth to Guilford County Government and Corning, Inc., shall be done in a sequential numbering manner to optimize these resources.

3. That these numbering resources shall be subject to reclamation if not used within the allowable reservation period according to industry guidelines.

ISSUED BY ORDER OF THE COMMISSION.

This the 10<sup>th</sup> day of April, 2001.

NORTH CAROLINA UTILITIES COMMISSION.

A handwritten signature in black ink, reading "Geneva S. Thigpen". The signature is written in a cursive style with a large initial 'G'.

Geneva S. Thigpen, Chief Clerk

040801.02

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# BEFORE THE FLORIDA PUBLIC SERVICE

## COMMISSION

In re: Petition for expedited review of North American Plan Administration's (NANPA) denial of application for use of central office code numbering resources or NXX codes in Orlando Magnolia switch by BellSouth Telecommunications, Inc.      DOCKET NO. 010309-TL  
ORDER NO. PSC-01-1146-PAA-TL  
ISSUED: May 21, 2001

### **The following Commissioners participated in the disposition of this matter:**

E. LEON JACOBS, JR., Chairman J. TERRY DEASON LILA A. JABER BRAULIO L. BAEZ  
MICHAEL A. PALECKI

### **NOTICE OF PROPOSED AGENCY ACTION ORDER DIRECTING NANPA TO PROVIDE BELLSOUTH WITH A GROWTH CODE FOR THE ORLDFLMADS1 SWITCH**

#### **BY THE COMMISSION:**

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, *Florida Administrative Code*.

#### **• BACKGROUND**

On January 24, 2001, BellSouth Telecommunications, Inc. (BellSouth) submitted an application to the North American Numbering Plan Administrator (NANPA) for a central office (NXX) code for the ORLDFLMADS1 switch in the Orlando rate center. The code request was made to fulfill a request made by a specific customer who is in need of 2,500 consecutive Direct Inward Dialing (DID) numbers in an NXX with a four as the last digit (NX4).

The Orlando rate center consists of six central offices and seven switches [(Azalea Park (ORLDLAPDS0), Colonial (ORLDLCLDS0), Magnolia (ORLDLFLMADS1 and ORLDLFLMA42E), Pinecastle (ORLDLFLPCDS0), Pinehills (ORLDLFLMADS0), and Sand Lake (ORLDLFLSADS0)]. On February 6, 2001, NANPA denied BellSouth's request for a NXX code for the ORLDLFLMADS1 switch because BellSouth had not met the rate center months-to-exhaust (MTE) criteria currently required to obtain a growth code. On March 9, 2001, BellSouth filed a petition for expedited review of NANPA's denial of its application.

We are vested with jurisdiction pursuant to Sections 364.01 and 364.16(4), *Florida Statutes*, and 47

U.S.C. §151, and 47 C.F.R. §52.15(g)(3)(iv).

## **ANALYSIS**

As mentioned above, BellSouth submitted an application to the NANPA for a NXX code for the ORLFLMADS1 switch in the Orlando rate center and was denied because BellSouth had not met the rate center MTE criteria currently required to obtain a growth code. Subsequently, BellSouth submitted a Petition to us for expedite review of NANPA denial of its application. In its prayer for relief, BellSouth requests us to review NANPA's denial and direct NANPA to release a growth code for the ORLFLMADS1 switch in the Orlando rate center.

Prior to March 31, 2000, carriers submitting an application for a growth code had to certify that existing codes associated with that switch, Point of Interface (POI), or rate center would exhaust within 12 months. In jeopardy Numbering Plan Areas (NPAs), applicants seeking a growth code had to certify that existing NXX codes would exhaust within six months.

Pursuant to Order No. FCC 00-104<sup>1</sup> applicants must now show the MTE criteria by rate center instead of by switch, and have no more than a six-month inventory of telephone numbers. Pursuant to 47 C.F.R. § 52.15(g)(3)(iii):

All service providers shall maintain no more than a six-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

We believe that the new MTE criteria creates a disadvantage for carriers with multiple switch rate centers because it is now based on rate centers, rather than switches. One switch in a multiple-switch rate center may be near exhaust while the average MTE for the rate center is above six months, thus preventing a carrier from obtaining a growth code for the switch near exhaust. For example, at the time of the NANPA denial of BellSouth's code request, the Orlando rate center MTE was 14.74 months with a 76.7% utilization level, while the MTE for the Magnolia-ORLDFLMADS1 switch was four months. BellSouth has stated that "Months-to-Exhaust criteria on a per rate center basis establishes a requirement that is difficult, and in some cases, impossible to meet."

We conclude that the code denial also poses a possible barrier to competition. A customer desiring service from BellSouth may have to turn to another carrier simply because BellSouth cannot meet the MTE rate center requirement. Another carrier who may have just one switch in the rate center, would have an advantage and may be able to obtain a growth code to provide the service. In Order No. DA 01-386<sup>2</sup>, the FCC stated:

Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of <sup>1</sup>Report and Order, CC Docket No. 99-200, In the Matter of Number Resource Optimization, Order No. FCC 00-104 (March 31, 2000) <sup>2</sup>DA 01-386, CC Docket No. 99-200, CC Docket No. 96-98, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (February 14, 2001) their choice for want of numbering resources.

FCC No. DA 01-386 at ¶11.

We find that another dilemma created with the new MTE rate center criteria is rate center consolidation. The FCC promotes rate center consolidation as a number conservation measure, and encourages states to consolidate rate centers wherever possible. The problem arises when you attempt to consolidate small rate centers which may have one switch and end up with one rate center with multiple switches. In Order No. FCC 00-429<sup>3</sup>, the FCC states:

Some ILECs suggest, however, that the utilization threshold should be calculated on a per-switch basis in rate centers that have multiple switches, particularly where they have not

deployed LNP capability. According to BellSouth, in the absence of thousands-block number pooling, numbers cannot be shared easily among multiple switches in the same rate center. They assert that there are technical constraints on their ability to share numbering resources among multiple switches within the same rate center and that a low utilization rate in one or more switches could prevent it from meeting the rate center utilization threshold. SBC argues in its comments that the utilization threshold should be calculated at the "lowest code assignment point" the rate center, where there is only one switch, or the switch, where there is more than one in a rate center.

Order No. FCC 00-429 at ¶ 32.

We believe that number pooling may assist in obtaining growth codes in a multiple switch rate center, however, BellSouth cannot support intra-service provider porting between switches until thousands-block pooling is implemented in the Orlando Metropolitan Statistical Area. The 407 NPA currently does not have a pooling trial, but new area code relief for this NPA has already begun with the initial industry planning meeting which took place April 3, 2001. Number pooling for this area, along with other number conservation measures for the 407 NPA, will be examined in that docket.

We note that two other state commissions have addressed NANPA's denial of growth codes. BellSouth included in its petition an order issued by the State of North Carolina Utilities Commission addressing NANPA's denial of two growth codes because BellSouth did not meet the new MTE rate center requirements.<sup>4</sup> BellSouth had two large customers, in need of NXX codes. One customer requested 10,000 sequential numbers, and the other customer needed to utilize approximately 6,000 numbers immediately for the establishment of a call center. The North Carolina Commission overturned NANPA's denial of the two NXX codes, and directed NANPA to provide numbers to meet the specific requests of Microsoft and Duke Energy.

The Public Service Commission of Wisconsin addressed a similar issue in its Docket 5-TK-101, Ameritech's Challenge of Neustar's Denial of a Request for a Central Office Growth Code at the Appleton Exchange, mailed December 22, 2000. In that case, Ameritech was denied a growth code because its MTE estimate was 7.4 months based on the rate center criteria, which is above the six month maximum MTE required by 47 C.F.R. § 52.15(g)(3)(iii). Ameritech requested the growth code to fulfill a request by two large customers who each wanted five-digit dialing for internal calls and specifically requested to have an eight as the third digit of the NXX code. In <sup>3</sup>Second Report and Order, Order on Reconsideration, CC Docket No. 99- 200 and CC Docket No. 96-98, In the Matter of Numbering Resource Optimization, et. al., Order No. FCC 00-429 (December 29, 2000) <sup>4</sup> State of North Carolina Utilities Commission, Order Granting Reserved Numbers, issued January 16, 2001, in Docket No. P-55, Sub 1250, In the Matter of Petition of BellSouth Telecommunications, Inc. for Review of NANPA Denial of Application for Numbering Resources. its Order, the Wisconsin PSC overturned NANPA's decision to deny a growth code, and directed NANPA to provide Ameritech with a growth code.

A procedure is available to carriers who are denied growth codes because of the rate center MTE requirement. Addressing NXX growth code denials, 47 C.F.R. § 52.15(g)(3)(iv), states, in part:

The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state regulatory commission may affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

BellSouth has provided us with the name of the customer requesting the 2,500 codes, copies of its NANPA application for a new growth code, copies of its MTE worksheet for the Orlando rate center, and copies of the Part 3 form from NANPA denying the code. We contacted BellSouth's proposed customer via telephone and verified that the customer wants BellSouth as its provider of service. We also verified with NANPA that there would be minimal impact on the 407 NPA by releasing a new growth code for this switch. We also reviewed the BellSouth utilization data for the ORLDFLMADS1 switch in the Orlando rate center to verify that BellSouth has no available codes to meet this specific customer's needs.

In evaluating BellSouth's petition, we have utilized the following factors and concluded that:

- 1) BellSouth has demonstrated that it has a customer in need of numbering resources;
- 2) BellSouth has shown that it is unable to provide services to a potential customer because of NANPA's denial of the NXX code;
- 3) There are potential competitive concerns because of the NANPA code denial since the potential customer cannot choose the provider of his choice; and,
- 4) There would be minimal impact to the 407 NPA by releasing a new growth code.

### CONCLUSION

Based on the foregoing, we find it appropriate to overturn NANPA's decision to deny a growth code, and direct NANPA to provide BellSouth with a growth code for the ORLDFLMADS1 switch as soon as possible. We also find that once the specific customer needs are met, BellSouth shall keep as many of the remaining blocks as possible in the new NXX uncontaminated for future number pooling.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that North American Numbering Plan Administrator shall provide BellSouth Telecommunications, Inc. with a growth code for the ORLDFLMADS1 switch in the Orlando rate center as soon as possible. It is further

ORDERED that BellSouth Telecommunications, Inc. shall maintain as many of the remaining blocks as possible in the new NXX uncontaminated for future number pooling once the specific customer needs are met. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, *Florida Administrative Code*, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of May, 2001.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: /s/ Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

*This is a facsimile copy. Go to the Commission's Web site, <http://www.floridapsc.com> or fax a request to 1-850-413-7118, for a copy of the order with signature.*

( S E A L )  
PAC

### NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), *Florida Statutes*, to notify parties of any administrative hearing that is available under Section 120.57, *Florida Statutes*, as well as



the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, *Florida Administrative Code*. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 11, 2001.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

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MEMPHIS BARTLETT WIRE CENTER

NPA-NXX	Working Numbers	Number Utilization
901-202	1	0.10%
901-213	6,331	63.31%
901-257	2	0.20%
901-266	9,219	92.19%
901-312	1	0.10%
901-328	1	0.10%
901-333	3	0.30%
901-341	10,000	100.00%
901-371	5,158	51.58%
901-372	8,863	88.63%
901-373	8,890	88.90%
901-377	9,058	90.58%
901-379	9,673	96.73%
901-380	9,015	90.15%
901-381	8,404	84.04%
901-382	9,454	94.54%
901-383	7,167	71.67%
901-384	9,438	94.38%
901-385	8,689	86.89%
901-386	9,415	94.15%
901-387	6,588	65.88%
901-388	9,343	93.43%
901-391	10,000	100.00%
901-405	1	0.10%
901-432	2	0.20%
901-580	10,000	100.00%
901-729	999	99.90%
901-820	1,000	100.00%
901-844	1	0.10%
901-867	15	1.50%
901-869	2	0.20%
901-888	24	0.80%
901-937	8,194	81.94%
	174,951	82.92%

### CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2005, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☐ U.S. Mail
- ☐ Facsimile
- ☐ Overnight Mail
- ☐ Electronic Mail

Ms. Cheryl Dixon  
Senior Code Administrator  
Number Pooling Administrator  
1800 Sutter Street, Suite 570  
Concord, California 94520

Joelle Phillips by an  
a/permission